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May 13, 2016

VIA ECF

The Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Christhian Diaz v. AMC Entertainment, Inc.* Case No. 16-CV-2546

Dear Judge Caproni:

I am Counsel for Defendant AMC Entertainment, Inc. I write to request the Court adjourn the Initial Conference scheduled on May 20, 2016, at 10:00 A.M., or in the alternative, allow the parties to attend the Initial Conference via telephone.

I have conferred with Plaintiff's Counsel, and he agrees that should the Court permit the parties to attend the conference via telephonic hearing, then he seeks to participate via telephone as well.

The grounds supporting this request for are as follows:

- Defendant executed a FRCP waiver of service form very recently -- on May 4, 2016 -- and will be responding to Plaintiff's Complaint on or before the time permitted under the FRCP.
- Defendant's Counsel offices and resides in San Francisco, California.
- Prior to receiving notice of the Initial Conference, Defendant's Counsel already committed to a client meeting in the Charlotte, North Carolina area for May 19-20, 2016, and already purchased air travel for this meeting to travel from San Francisco to Charlotte on May 19 and return from Charlotte to San Francisco on May 20. Defendant's Counsel will thus be in Charlotte at the client meeting on May 20, 2016 at 10:00 a.m. when the Initial Conference is presently scheduled.
- Defendant's Counsel can be available to participate in the Initial Conference via telephone from Charlotte on May 20, or alternatively, can be available to participate in a rescheduled Initial Conference.

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- Should the Court reset the Initial Conference, Defendant's Counsel asks permission to attend via telephone from San Francisco on the reset Initial Conference date.
- This request is not made for purposes of delay, and Defendant files this request seeking to participate in the Initial Conference in an efficient and cost-effective way under the particular circumstances presented here.

The original date of the IPTC conference was May 13, 2016, prior to being reset for May 20, 2016. This is thus the second request for adjournment of Initial Conference, and the first request to allow the parties to participate via telephone. Counsel for Defendant advises that Plaintiff consents to the requested relief. Should the Court reset the Initial Conference, the parties suggest the Friday, June 24, 2016. Defendant's counsel has out-of-state mediation conflicts on June 3 and 17, 2016, and Plaintiff's counsel advised he has conflicts on May 27 and June 10, 2016.

We thank Your Honor for considering this matter.

Respectfully submitted,

s/ M. Brett Burns

M. Brett Burns

CC: Plaintiff's Counsel via ECF.